

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN A. RUSSO, an individual,

No. C 07-3401 MMC

Plaintiff,

**ORDER DENYING PLAINTIFF'S
MOTION FOR LEAVE TO AMEND;
VACATING HEARING**

v.

NETWORK SOLUTIONS, INC., et al.,

Defendants.

Before the Court is plaintiff's "Request to Substitute NS, LLC for Doe One," filed March 13, 2008, which filing the Court construes as a motion for leave to amend the complaint. "Non-party" Network Solutions, LLC ("NSLLC") has filed opposition; plaintiff has not filed a reply.

Having read and considered the papers filed in support of and in opposition to the motion, the Court hereby VACATES the April 18, 2008 hearing on the matter, and, for the reasons stated by NSLLC with respect to the futility of amendment in light of the forum selection clause contained in the "Domain Name Registration Agreement," (see Opp'n at 7:1-8:21; Decl. of M. Linda Nguyen Ex. 1), hereby DENIES plaintiff's motion.

IT IS SO ORDERED.

Dated: April 10, 2008


MAKINE M. CHESNEY
United States District Judge